

**MINUTES OF THE REGULAR MEETING OF THE
EDINA PLANNING COMMISSION
WEDNESDAY, OCTOBER 30, 2002, 7:30 P.M.
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

Chair Gordon Johnson, John Lonsbury, Ann Swenson, David Byron, Helen McClelland, David Runyan, Geof Workinger Stephen Brown and Lorelei Bergman

STAFF PRESENT:

Craig Larsen and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the September 25, 2002, meeting were filed as submitted.

II. NEW BUSINESS:

LD-02-9

**Nancy Miller and John Pearsons
4308 France Avenue South**

Mr. Larsen explained to the Commission the proponents are seeking to rearrange a lot line taking 5 feet from one lot and adding it to the other.

Mr. Larsen concluded staff recommends approval of the proposed lot division.

Commissioner McClelland told the Commission she was on the variance board that heard the lot width request and part of that approval was conditioned on approval of this lot division. Commissioner McClelland said the board requested that the proponent apply for lot division as soon as possible. Concluding, Commissioner McClelland said it appears the proponent complied with that request and she supports the lot division as proposed.

Commissioner McClelland moved to recommend lot division approval. Commissioner Runyan seconded the motion. All voted aye; motion carried.

III. OTHER BUSINESS:

Proposed Tree Ordinance Amendment

Mr. Larsen reminded the Commission Planning Staff brought before them drafts of proposed tree ordinances from other cities at the direction of Council. Mr. Larsen said at this time he is asking for comments from the Commission on those ordinances.

Commissioner Runyan asked Mr. Larsen if he knows what triggered this interest. Mr. Larsen said he believes what triggered the interest of Council Members was the recent subdivision request on Iroquois Circle.

Commissioner Brown asked Mr. Larsen what the City considers a tree. Mr. Larsen said anything 6 inches in diameter or greater.

Chairman Johnson questioned if the City already has an ordinance with regard to tree loss. Mr. Larsen responded the City has an ordinance(s) that addresses tree loss at different levels, during redevelopment, vacant lot, diseased trees, etc. Commissioner Johnson questioned if we are creating an ordinance where one isn't needed. Mr. Larsen responded the Council must make determination.

Commissioner McClelland asked Mr. Larsen how this exact ordinance language was chosen. Mr. Larsen said he presented a number of ordinances for review, this one included. He stated he put before them different ordinances to afford them the opportunity to review what other cities have and if they feel Edina would benefit from something similar. He told the Commission the Council isn't necessarily indicating they will adopt a new ordinance they just want to review different ordinances and see how they would apply to our City.

Chairman Johnson said in reviewing the draft ordinances presented by Staff in his opinion they are too restrictive, especially with regard to already platted single-family lots. Continuing, Chairman Johnson said in his opinion if changes are adopted they should only address new construction.

Commissioner Swenson asked Mr. Larsen if the ordinance before us this evening were in place could Iroquois Circle have been developed as presented. Mr. Larsen said it could have been developed as proposed. Continuing, Mr. Larsen said today the City has a method in place for diseased trees, vacant lots, and we have a subjective standard in place for subdivision in our ordinance.

Commissioner McClelland stated in her opinion the tree loss proposed in the Iroquois Circle subdivision wasn't the only negative thing about that proposal. She said destruction to the topography was the major issue, at least for her. Continuing, Commissioner McClelland said as she read through the ordinance before her she thought it was outrageous especially for the individual single-family lot owners. Commissioner McClelland asked Mr. Larsen what the City presently does for individual lot owners, and pointed out if the ordinance before them were approved staff would be spending a lot of time reviewing tree loss plans.

Mr. Larsen responded if there is a diseased tree on an individual single family lot the City Forester tags the diseased tree and it is to be removed either by the property owner or the City removes it and assesses the property. If the individual property owner wants to cut down a tree on their lot we consider that their right, however, if an individual lot owner owns an undeveloped (vacant) lot the City requires a tree removal permit with a plan that identifies the trees needed to be removed for construction of a new home. Continuing, Mr. Larsen explained with a vacant lot situation City Staff works with the lot owner to ensure minimal disruption occurs. Mr. Larsen added the majority of owners also provide a landscaping plan, along with the tree removal plan. Concluding, Mr. Larsen said the majority of Edina's residential property owners realize that trees add value to their property so tree loss is as minimal as possible.

Commissioner Swenson commented as she reviewed the proposed draft ordinances she came to the conclusion that the City already has good ordinances in place and in her opinion no change is required. Commissioner Runyan commented he seconds that comment.

Commissioner Workinger said he agrees with what has been said so far, adding for him he does have a concern with re-builds. Commissioner Workinger said however, that policing individual lots would not be practical. He asked the Commission to note that on page 8 of the proposed draft ordinance the word ugliness occurs, and in his opinion that word would be very hard to define if the City were pressed to define what ugliness is.

Mr. Larsen agreed that enforcing a tree loss ordinance on individual lots would be difficult at best; at least it appears that way to him. He noted he has observed many residents try very hard to retain as many trees as possible on their property even during times of construction. He pointed out the zoning board reviews a number of variance requests as a result of residents wanting to retain large trees and opting to go through the variance process to achieve an addition to avoid tree lost. Mr. Larsen reiterated the majority of our residents have determined that trees add value to their property and are averse to removing them.

Commissioner Workinger agreed that individual lot owners appear to self-police, pointing out it is always difficult to legislate to try to avoid "the one wing

nut” that may come in and level their lot. Commissioner Workinger asked Mr. Larsen if he agrees that if the tree lot ordinance before us this evening were to be adopted more tree loss could occur especially with regard to subdivision. Mr. Larsen agreed that if this ordinance were adopted more tree loss could occur at the subdivision level. He said the ordinance before you this evening is more objective than the present ordinance.

Commissioner Byron commented it appears to him that by the discussion thus far that the Commission believes the ordinances the City has in place serve us well and that the Commission believes the individual lot owner does not need more regulations in place with regard to tree loss.

Commissioner Swenson moved to communicate to the Council that the Commission considers our current regulations sufficient and that we do not want staff to be put in the position of policing each individual lot. The Commission also requests that Staff reiterate to the Council our current policies with regard to vacant lots. Commissioner Runyan seconded the motion. All voted aye; motion carried.

IV. ADJOURNMENT:

Commissioner Lonsbury moved for adjournment at 8:30 p.m.

Jackie Hoogenakker